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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,682	07/09/2002	Antonius Emmerink	449122025400	4834
25227 7590 01/19/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			EXAMINER JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/088,682		EMMERINK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Raj K. Jain		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,10-15 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 3,4,6-9 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>21/3/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because of undue length. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claims 10-21 are objected to because of the following informalities: Change the word "arrangement" in above claims to "apparatus". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims xX are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiomoto et al (US006731628B1) in view of Rao et al (US006757823B1).

Regarding claims 1 and 10, Shiomoto discloses providing a communications link (Fig. 1) between at least two local devices TE-1, TE-2 in a transport network by local switching (LS) centers associated with the local devices (TE);

using a connection information item defining a timeslot connection (see abstract, col 2 lines 10-20, 40-50, timeslot information is created to define the routing of packets which is the information item for connection of the link.) via a switching matrix

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representing a first control information item; and providing a protocol information item representing a second control information item for the central control device and/or for the local devices to select communications protocols to be used and useable transport media (The header of the packet contains IP protocol information that contains the packet routing information, see claim 1.)

Shiomoto fails to disclose communications system setup and/or disconnect of communications link.

Rao discloses a method of providing secure signaling connections for packet data network telephony calls (see Fig. 3 and col 1 line 65 – col 2 line 5. Call setup is performed between H.323 devices such as phones and protocol conversion control performed via the H.323 gateways (Fig. 1). Rao discloses a simplified and secure call setup and tear down procedure for voice and data communications amongst different devices within an IP telephony network.

Thus it would have been obvious at the time the invention was made to incorporate the teachings of Rao within Shiomoto so as to provide a a simplified and secure call setup and tear down procedure for voice and data communications amongst different devices within an IP telephony network.

Regarding claims 2 and 11, Shiomoto discloses media information via the routing tables (see col 3 lines 40-50.) used by the local and transit switches to route packets from source to destination.

Regarding claim 5, Shiomoto discloses the information item (see abstract) as the timeslot connection information is provided to the LS and TS switches accordingly.

Regarding claims 12 and 13, Shiomoto discloses devices may be arranged centrally and/or locally in the area of the first device (see Fig. 1).

Regarding claims 14, Rao discloses conversion devices (Gateways see Fig. 1).

Regarding claims 15, Shiomoto discloses a general circuit switched network. The use of an Ethernet connection is inherent to the network as TE devices are shown in Fig. 1.

Regarding claims 19-21, Shiomoto and Rao disclose an integrated communications IP telephony system with a PC (Fig. 1 of Shiomoto) or a telephone (Fig. 1 of Rao) accordingly.

### ***Allowable Subject Matter***

Claims 3, 4, 6-9, 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

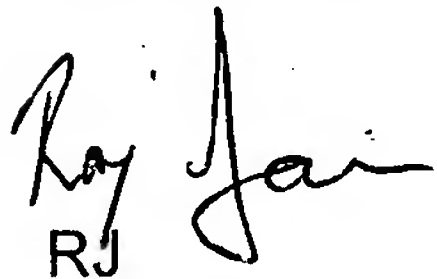
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RJ

January 16, 2007